

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JANET K. SCHWALJE,

Plaintiff,

v.

ANDREW M. SAUL,
Commissioner of Social Security,

Defendant.

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Case No. 4:18-CV-1314-ERW

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Petition to Award Attorney's Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (ECF No. 26). Defendant has no objection to Plaintiff's request.

On September 20, 2019, the Court reversed the Commissioner's decision and remanded Plaintiff's case for further proceedings. Plaintiff now seeks attorney's fees in the amount of \$4,602.00, which represents 24 hours of attorney work at \$191.75 per hour pursuant to 28 U.S.C. § 2412(d). Plaintiff asks the fees be made payable to her attorney, Traci L. Severs, assignee. Defendant filed a response to Plaintiff's motion, stating he has no objection to an award of \$4,602.00 to be paid by the Social Security Administration.

In EAJA actions, the district court has the authority to award reasonable and necessary expenses associated with adjudicating a claim for social security benefits. *Kelly v. Bowen*, 862 F.2d 1333, 1335 (8th Cir. 1988). The Court finds that Plaintiff is entitled to EAJA fees in the amount of \$4,602.00, payable to the Plaintiff as the prevailing party. *Astrue v. Ratliff*, 560 U.S. 586, 593 (2010) (holding that EAJA fees are payable to the prevailing party and may be subject to offset to satisfy any pre-existing debt owed to the United States). Because Plaintiff has

assigned these fees to her attorney, the fees shall be made payable to Traci L. Severs subsequent to a determination by Defendant as to whether Plaintiff owes a pre-existing debt to the government.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Petition to Award Attorney's Fees Pursuant to the Equal Access to Justice Act (ECF No. 26) is **GRANTED** in the amount of Four Thousand Six Hundred Two Dollars and No Cents (\$4,602.00) to be paid by the Social Security Administration. This amount should be made payable to Traci L. Severs, Plaintiff's attorney, after it is determined the claimant does not have any outstanding federal debt subject to collection.

So Ordered this 4th day of December, 2019.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE